

## UNITED STATES DISTRICT COURT

for the  
Western District of New York

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

Case No. 18-mj-1081

Residence located at [REDACTED] Old Lake Shore Road, Lake  
View, NY 14085, and the person of Gerald A. Buchheit,  
Jr., for a cellphone with call number 716 [REDACTED]

## SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search  
of the following person or property located in the Western District of New York

(identify the person or describe the property to be searched and give its location):

Residence located at [REDACTED] Old Lake Shore Road, New York 14085-9548, and the person of Gerald A. Buchheit, Jr., for  
a cellphone with call number 716 [REDACTED] which are more fully described in Attachment A, which is attached hereto  
and incorporated by reference herein.

The person or property to be searched, described above, is believed to conceal (identify the person or describe the  
property to be seized):

Evidence pertaining to violations of Title 18, United States Code, Sections 1343, 1348, and Title 15, United States  
Code, Sections 78j(b) and 78ff and Title 18, United States Code, Section 2, 371 and 1349, as more fully set forth in  
Attachment B, which is attached hereto and incorporated by reference herein.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or  
property.

YOU ARE COMMANDED to execute this warrant on or before

7/24/18  
(not to exceed 14 days)

☒ in the daytime 6:00 a.m. to 10 p.m.☐ at any time in the day or night as I find reasonable cause has been  
established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property  
taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the  
place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an  
inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge  
JEREMIAH J. MCCARTHY

(name)

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay  
of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be  
searched or seized (check the appropriate box) ☐ for \_\_\_\_\_ days (not to exceed 30).

☐ until, the facts justifying, the later specific date of \_\_\_\_\_.

Date and time issued:

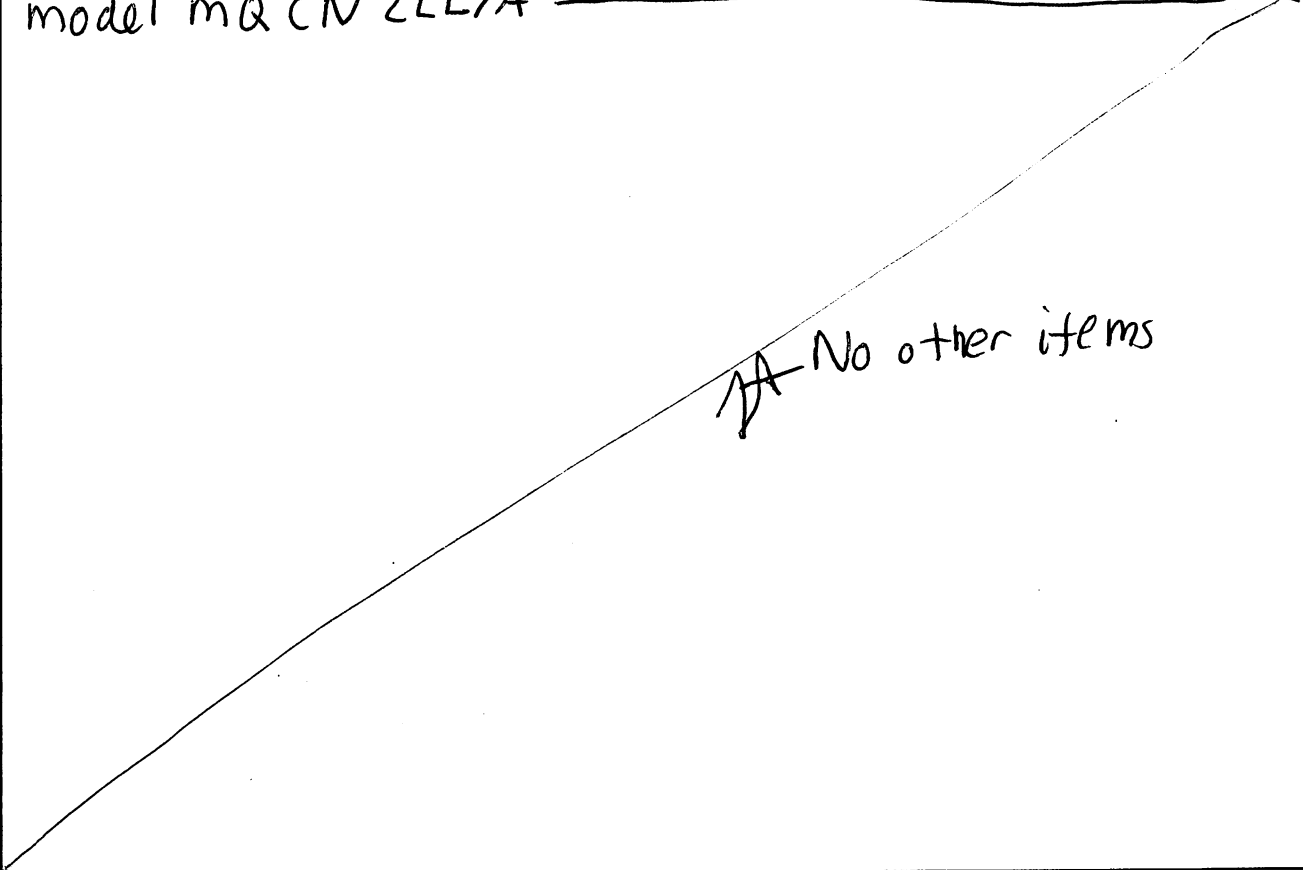
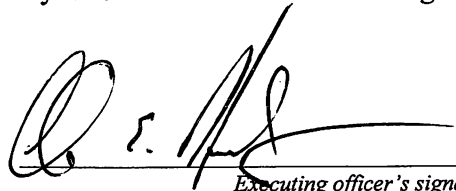
7/10/18 12:03 PM

Judge's signature

City and state: Buffalo, New YorkJEREMIAH J. MCCARTHY, U.S. Magistrate Judge

Printed name and title

AO 93 (Rev. 12/09) Search and Seizure Warrant (Page 2)

Return		
Case No.: 18-mj-1081	Date and time warrant executed: 7/11/2018, 6:30AM	Copy of warrant and inventory left with: Gerald A. Buchheit, Jr.
Inventory made in the presence of: Gerald A. Buchheit, Jr.		
Inventory of the property taken and name of any person(s) seized: (1) iPhone X, black in color, Serial G0PVPW725CL6, model MQCN2LL/A		
 No other items		
Certification		
<p>I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.</p>		
Date: 7/11/2018	 Executing officer's signature Luke F. Humphrey, Special Agent, FBI Printed name and title	

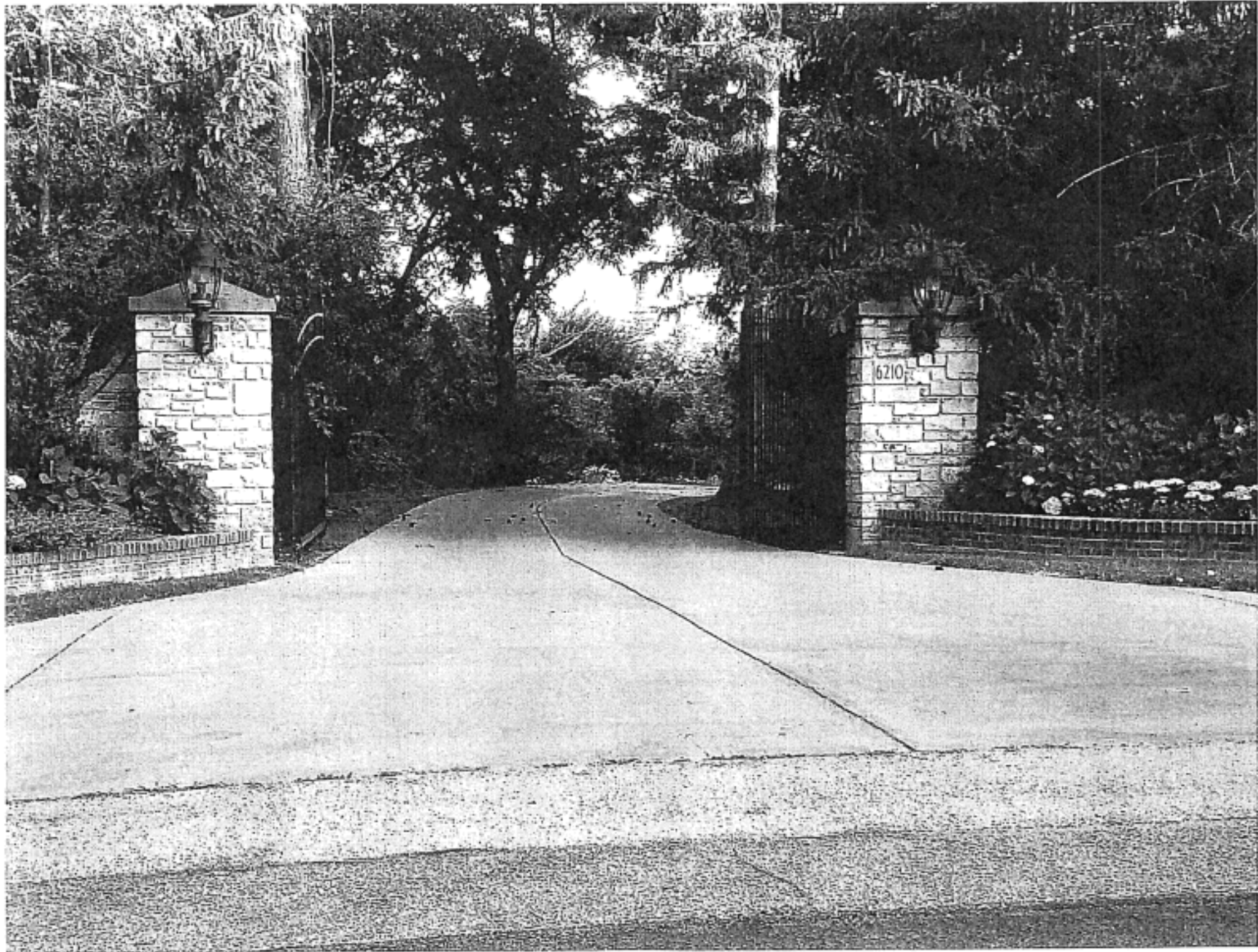
# **ATTACHMENT A**



**Attachment A**

**Property and Person to be Searched**

The premises to be searched (the "Subject Premises") is located at [REDACTED] Old Lake Shore Road, Lake View, NY 14085-9548. The Subject Premises sits behind the gates marked [REDACTED] Old Lake Shore Road. The gates are depicted in the following photograph:



The person to be searched is Gerald A. Buchheit, Jr., as pictured below:



# **ATTACHMENT B**

**Attachment B**

**Items to be Searched and Seized**

**A. Evidence and Instrumentalities of the Subject Offenses**

1. Law enforcement personnel are authorized to seize a cellphone with call number 716- [REDACTED] (the "Electronic Device"), and, during the execution of this search warrant, are authorized to depress the fingerprints and/or thumbprints of Gerald A. Buchheit, Jr. onto the Touch ID sensor of the cellphones, or hold the cellphones in front of Buchheit's face to activate the Face ID sensor, in order to gain access to the contents of any such device as authorized by this warrant.

2. Law enforcement personnel (including, in addition to law enforcement officers and agents, , attorneys for the government, attorney support staff, agency personnel assisting the government in this investigation, and outside technical experts under government control) are authorized to review and seize the ESI contained on the Electronic Device for evidence, fruits, and instrumentalities of violations of Title 18, United States Code, Sections 1343 (wire fraud), 1348 (securities fraud), and Title 15, United States Code, Sections 78j(b) and 78ff, as well as Title 17, Code of Federal Regulations, Section 240.10b-5 (securities fraud), and aiding and abetting and conspiring to commit these offenses in violation of Title 18, United States Code, Section 2 (aiding and abetting), 371 (conspiracy) and 1349 (conspiracy) (the "Subject Offenses") described as follows:

- a. Evidence concerning trades placed in Innate Immunotherapeutics Ltd., including communications regarding the same;
- b. Communications regarding Innate Immunotherapeutics Ltd.;
- c. Evidence concerning the location of the user of the device and the times the device was used;
- d. Evidence concerning the identity or location of, and communications with, coconspirators, including, but not limited to, photographs, contact lists, address books;
- e. Evidence concerning any proceeds or benefits received as a result of the commission of the Subject Offenses.

**B. Review of ESI**

Following seizure of any computer devices and storage media and/or the creation of forensic image copies, law enforcement personnel (which may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, agency

personnel assisting the government in this investigation, and outside technical experts under government control) are authorized to review the ESI contained therein for information responsive to the warrant.

In conducting this review, law enforcement personnel may use various techniques to locate information responsive to the warrant, including, for example:

- surveying various file “directories” and the individual files they contain (analogous to looking at the outside of a file cabinet for the markings it contains and opening a drawer believed to contain pertinent files);
- opening or cursorily reading the first few “pages” of such files in order to determine their precise contents;
- scanning storage areas to discover and possibly recover recently deleted files or deliberately hidden files;
- performing key word searches through all electronic storage areas to determine whether occurrences of language contained in such storage areas exist that are intimately related to the subject matter of the investigation; and
- reviewing metadata, system information, configuration files, registry data, and any other information reflecting how, when, and by whom the computer was used.

Law enforcement personnel will make reasonable efforts to search only for files, documents, or other electronically stored information within the categories identified in Sections II.A and II.B of this Attachment. However, law enforcement personnel are authorized to conduct a complete review of all the ESI from seized devices or storage media if necessary to evaluate its contents and to locate all data responsive to the warrant.